

Colombia: Soldiers Accused of Extrajudicial Killings Freed

By [Helda Martínez](#)

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SOACHA, Colombia, Jan 13, 2010 (IPS) – Over the last two weeks, 31 Colombian soldiers accused of the forced disappearance and murder of 11 young men from the poor Bogotá suburb of Soacha have been released from prison on the grounds that they were not formally indicted within 90 days of their arrest, as established by Colombian law.

Of the 42 members of the Colombian army implicated in what is known here as the “Soacha case”, 18 were released between Dec. 30 and Jan. 7, six on Tuesday Jan. 12 and seven more on Wednesday Jan. 13.

They are facing charges of luring a number of young men from Soacha in August and September 2008 with false job promises, murdering them and presenting them as guerrillas killed in combat (euphemistically referred to as “false positives”).

The scandal, which broke out in late 2008, led to the removal of three generals and 24 other officers and noncommissioned officers, as well as the resignation of then army chief General Mario Montoya, regarded as one of the promoters of the so-called “body count” system, which uses incentives like weekend passes, cash bonuses, promotions and trips abroad to reward soldiers and officers for “results” in the counterinsurgency effort.

A total of 1,900 “false positive” cases are awaiting investigation by the Human Rights Unit of the Attorney General’s Office.

Soacha and the neighbouring suburb of Ciudad Bolívar, which are located to the south of the Colombian capital, have absorbed a large number of the over three million people displaced by the armed conflict that has raged for over four decades between government security forces and rightwing paramilitary militias on one hand and leftist guerrillas on the other.

The victims targeted in the army’s extrajudicial killings – who numbered in the thousands, according to human rights groups – were generally young men from poor districts like Soacha who received attractive job offers from recruiters.

But in the case of the 11 men from Soacha, their bodies showed up in morgues or mass graves hundreds of km from Bogotá just a few days after they left or went missing from their homes. And although they were wearing civilian clothes when they set out for their supposed new jobs, their bodies were found dressed in FARC (Revolutionary Armed Forces of Colombia) guerrilla fatigues.

The first rumours of what had happened to them reached their families through an employee of the government’s national forensic service.

The newspapers then picked up the story, which bloomed into a full-blown international scandal.

Mothers demand justice

The mothers of the young men, who have come together to fight for justice, told reporters Monday that they would take the case to the International Criminal Court (ICC), arguing that the soldiers' release clearly indicated that no justice was possible in Colombia.

The ICC, based in The Hague, was set up to investigate and prosecute war crimes, crimes against humanity, and genocide in cases where countries directly connected with such crimes are not able or willing to carry out prosecutions themselves.

After Tuesday's hearing, in which a judge ordered the release of six of the soldiers, Carmenza Gómez said through tears: "They are mocking us, we mothers who feel this enormous pain. They are heartless to leave so many mothers without sons and so many children without fathers."

Two of Gómez's sons have been killed, "the first, after receiving death threats (from an illegal armed group), and the second because he believed in false promises of work, which led him to his death."

Gómez broke the silence in the courtroom after the six-hour hearing that ended in the order for the soldiers' release, despite the judge's acknowledgement that the failure to meet the 90-day deadline for an indictment was partly due to delaying tactics by the troops' defence attorneys.

The accused spent more than 200 days in remand.

The defence lawyers argued that the Supreme Court and Consejo Superior de la Judicatura (High Council of the Judiciary) took too much time deciding that the cases would be tried by the ordinary courts, rather than the military justice system.

The lead prosecutor on the case, Guillermo Mendoza, told the press that the judge "did not apply the standard establishing that release is not warranted if the deadline is not met due to delaying tactics, or when there is a just or reasonable cause that stood in the way of the start of the oral trial."

Ombudsman Vólmar Pérez suggested that in cases involving human rights violations and crimes against humanity, the old penal system be used, in order to lengthen the timeframes for presenting formal indictments.

In a statement, rightwing President Álvaro Uribe criticised the soldiers' release, complaining about "impunity generated by legal decisions based on the expiration of deadlines."

The defendants' defence attorneys complained that the president was "trying to intimidate judges with his remarks."

The mothers of the Soacha victims also reacted to Uribe's statement, pointing out that in March 2009, the president had stated that "many of the 'false positives' are false accusations," which the military should not worry about.

The soldiers' lawyers, meanwhile, also complained that representatives of the United Nations had spoken out against their clients' release.

In addition, the attorneys argued that human rights apply to everyone, and that the judge could not reach a decision just to "please the media, functionaries of international bodies, or the mothers of the dead men."

A teary Luz Marina Porras, meanwhile, said Tuesday was the second anniversary of the death of her son, who was intellectually disabled as a result of contracting meningitis at birth.

Even though he never learned to read or write, he had been recruited by the army twice, but was returned to his home both times when it became obvious that he was incapable of carrying out basic military duties.

However, the last time he was recruited, this time apparently for a job, he never came back alive. And when his body was discovered, he was holding a gun in his right hand - even though he was left-handed. The weapon was presented as proof that he was killed in battle.

Many of the mothers of the victims of extrajudicial killings have received threats, as a result of their speaking out and their efforts to obtain justice. And as their representatives told the media, they are even more worried now that a number of the soldiers implicated in the murders have been set free.

But it is not only the mothers of the victims who live in fear in Soacha. A local university student who spoke to IPS on condition of anonymity said he was afraid.

"The situation here is really difficult. It's impossible for us to protect ourselves. I get home from the university at 11:00 PM. And the pamphlets that they distribute in the streets and leave under our doors warn that no homosexuals, prostitutes, druggies or thieves can be on the streets after 10:00 PM.

"I'm none of those things, but I could become a target just for talking to you," he said outside of the building where Tuesday's hearing was held.

"That's why I - and many others - believe that instead of squandering so much money on the war, they should focus more on educating everyone," he added.

Because the case is in the international spotlight, and as a result of remarks by high government officials, the released soldiers have been confined to barracks pending future legal proceedings.

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Articles by: **Helda Martínez**

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